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July 13, 2009

The Honorable Jon Leibowitz
Chairman,
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Leibowitz:

An extremely shocking set of events has taken place in the 1st Congressional District of Illinois that I represent. This past week, Cook County, Illinois law enforcement authorities descended upon the historic Burr Oak Cemetery, located in Alsip, Illinois where hundreds of graves had been unearthed, allegedly by at least four current and former cemetery employees, in order to sell the vacated graves for cash to unsuspecting families. It was initially estimated that the remains of more than 300 people were disinterred and dumped into mass graves to support this criminal venture, which netted hundreds of thousands of dollars.

This activity was so pervasive that it necessitated the entire cemetery to be declared a crime scene and closed until further notice. From the moment that these disturbing events were brought to my attention, my staff and I have been intently reviewing existing statutes and regulations governing the licensing and conduct of cemeteries.

In 2005, the former operator of Tri-State Crematory in Georgia was sentenced to 12 years in prison after pleading guilty to theft, abuse of a corpse, burial service fraud and making false statements. Instead of performing cremations as agreed, Tri-State Crematory gave cement dust to the relatives instead of the ashes of their family members. The bodies of over 300 people were then buried at a cemetery also owned by the crematory operator.

These incidents highlight the glaring lack of any consistent and effective oversight of the funeral home, crematory and cemetery industry in this nation. At least ten states have no laws in this area at all, and many of those that do lack adequate enforcement. Georgia lawmakers moved to tighten rules for crematories and treatment of the dead after the Tri-State Crematory incident and Illinois officials are now vowing to do the same.

However, I strongly believe this is a national issue that demands a national response. The FTC's Funeral Rule, 16 C.F.R. §453.1 et seq., might apply to the abusive and deceptive practices that were apparently undertaken in furtherance of this shameful enterprise. I would like for the Commission to review its authority under the FTC Act as well as its own regulations to determine whether the Funeral Rule or any other laws, rules, or policy statements, or a combination thereof, were possibly violated upon the commission of these horrific acts. As I proceed further, I am planning to conduct a Commerce Trade and Consumer Protection Subcommittee field hearing on this matter wherein the FTC would be requested to participate. I will be contacting you shortly as I move forward in this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby L. Rush", written in a cursive style.

Bobby L. Rush
Member of Congress